



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.1643 of 2025

1.P.Rajendran

2.R.Rajalakshmi

3.V.Balu

...Petitioners

Versus

State Rep. by
The Superintendent of Customs (AIU),
Prosecution Unit – Airport,
New Customs House, Meenambakkam.

...Respondent

This Criminal Revision Case is filed under Sections 438 & 442 of BNSS, 2023 praying to set aside the Order dated 22.01.2025 dismissing the petition in C.M.P.No.11 of 2025 passed by the learned Judicial Magistrate, Special Court for Customs Act, Alandur and allow the said petition as prayed for.

For Petitioners : Mr.G.Santhosh Kumar

For Respondent : Mr.P.Vishnu,
Special Public Prosecutor



ORDER

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This Criminal Revision Case has been filed by the Petitioners seeking to set aside the Order dated 22.01.2025 in C.M.P.No.11 of 2025 passed by the learned Judicial Magistrate, Special Court for Customs Act, Alandur.

2. The brief facts of the case are that the Petitioners planned to travel to Singapore in order to visit Mrs.Kanagadevi (daughter of Petitioners 1 & 2) who gave birth to a baby. When the Petitioners were about to travel to Singapore, the Respondent Customs Officer caused hindrance to them by stating that Petitioners' names come under "Compulsory Frisking List". The Petitioners were always made to wait for a long time on every trip and they were not treated respectfully by the Respondent Customs Officer. Therefore, the Petitioners had filed a petition in C.M.P.No.11 of 2025 before the learned Judicial Magistrate, Special Court for Customs Act, Alandur praying to permit them to travel abroad without the hindrance of Respondent Customs Officer and also, to remove their names from "Compulsory Frisking List", but, the said petition was dismissed on 22.01.2025.



3. The learned counsel for Petitioners submitted that Mr.K.Vinothkumar (son-in-law of Petitioners 1 & 2) and Mrs.Kanagadevi (daughter of Petitioners 1 & 2) were arrested by the Respondent Customs Officer in connection with the case in O.S.No.95 of 2023 on the file of learned Judicial Magistrate, Special Court for Customs Act, Alandur and hence, the said Vinothkumar and Kanagadevi had filed an Bail Application before the Special Court for Customs Act, Alandur which was also allowed on 13.12.2023.

3.1. It is further submitted by the learned counsel for Petitioners that Petitioners are senior citizens and they are no way connected to the case in O.S.No.95 of 2023 on the file of learned Judicial Magistrate, Special Court for Customs Act, Alandur, but, whenever the Petitioners travel abroad, the Respondent Customs Officer has been causing hindrance to Petitioners as if the Petitioners are connected to the said case. Therefore, the learned counsel prayed that the impugned order may be set aside and the Petitioners may be permitted to travel abroad without the hindrance of Respondent Customs Officer.



4. On the other hand, the learned Special Public Prosecutor appeared on behalf of Respondent submitted that Mr.K.Vinothkumar (son-in-law of Petitioners 1 & 2) and Mrs.Kanagadevi (daughter of Petitioners 1 & 2) were involved in gold smuggling and they were arrested by the Respondent Customs Officer in the year 2023. The Petitioners are close relatives to said Vinothkumar & Kanagadevi and that apart, Petitioners have been travelling abroad frequently and hence, they cannot be exempted from personal search by the Customs Officers. The Petitioners remain free to travel like any other passenger, subject to lawful checks under the Customs Act. The Petitioners' request for a blanket ban on frisking is untenable as the same would obstruct Customs Officers from discharging statutory duties and it would violate the principle of equality under Article 14 of the Constitution by granting special privilege. Therefore, the learned Special Public Prosecutor submitted that the Court below has rightly dismissed C.M.P.No.11 of 2025 filed by the Petitioners.

5. Heard the learned counsel on either side and perused the materials available on record.



6. According to Petitioners, whenever they travel abroad, before they board the Flight, Respondent Customs Officer has been causing hindrance to the Petitioners stating that their names come under “Compulsory Frisking List” and made them to wait for a long time. Aggrieved by the same, Petitioners have filed a petition before the Court below seeking permission to travel abroad without the hindrance of Respondent Customs Officer and to remove their name from “Compulsory Frisking List”, but, the said petition was dismissed. Hence, the Petitioners have come up with the present Criminal Revision Petition.

7. As far as this case is concerned, Petitioners have been travelling abroad frequently and that apart, they are close relatives of the accused who were arrested by the Respondent Customs Officer in connection with a gold smuggling case. Though the Petitioners are not accused persons, their close relationship with the accused makes the Respondent Customs Officer to suspect the Petitioners.

8. As pointed out by the learned Special Public Prosecutor for Respondent that Petitioners’ request for a blanket ban on frisking would



obstruct the Customs Officers from discharging their statutory duties and also, it would violate the principle of equality under Article 14 of the Constitution by granting special privilege. Therefore, the Court below has rightly held in its findings that the Customs Officials have the authority to search the individuals those who are suspected to be in possession of goods which are liable to be confiscated and restricting the Customs Officials from conducting frisking would lead to evasion of customs laws and regulations.

9. The reasons stated by the Respondent Customs Officer for conducting search on Petitioners is justifiable. Further, I do not find any infirmity in the impugned order. Hence, this Criminal Revision Petition is dismissed and Order dated 22.01.2025 in C.M.P.No.11 of 2025 passed by the learned Judicial Magistrate, Special Court for Customs Act, Alandur is confirmed.

24.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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- To
- 1.The Judicial Magistrate,
Special Court for Customs Act,
Alandur.
 - 2.The Superintendent of Customs (AIU),
Prosecution Unit – Airport,
New Customs House, Meenambakkam.
 - 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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